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Howard L. Simon
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Hearing Date: February 25, 2015 at 10 a.m.
Objection Deadline: February 18, 2015 at 5 p.m.

*Special Counsel for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MADOFF TECHNOLOGIES LLC, MADOFF
BROKERAGE & TRADING TECHNOLOGY,
LLC, PRIMEX HOLDINGS, LLC, RUTH
MADOFF, ESTATE OF MARK D. MADOFF, and
ANDREW MADOFF, individually and in his
capacity as Executor of the ESTATE OF MARK D.
MADOFF,

Defendants.

Adv. Pro. No. 10-03483 (SMB)

NOTICE OF MOTION TO SUBSTITUTE (I) THE ESTATE OF ANDREW H. MADOFF AND MARTIN FLUMENBAUM FOR DECEASED DEFENDANT ANDREW MADOFF AND (II) DAVID BLUMENFELD FOR DECEASED DEFENDANT ANDREW MADOFF, AS EXECUTOR OF THE ESTATE OF MARK D. MADOFF

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the estate of Bernard L. Madoff, by and through the Trustee’s undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on **February 25, 2015 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, seeking entry of an Order under Rule 25 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7025 of the Federal Rules of Bankruptcy Procedure, granting the Trustee’s motion to substitute (i) the Estate of Andrew H. Madoff and Martin Flumenbaum for deceased defendant Andrew Madoff and (ii) David Blumenfeld for deceased defendant Andrew Madoff, as Executor of the Estate of Mark D. Madoff in this proceeding, on the grounds and for the reasons set forth in the accompanying Memorandum of Law in Support of Trustee’s Motion to Substitute (i) the Estate of Andrew H. Madoff and Martin Flumenbaum for Deceased Defendant Andrew Madoff and (ii) David Blumenfeld for Deceased Defendant Andrew Madoff, as Executor of the Estate of Mark D. Madoff.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion, if any, must be in writing, shall conform to the Bankruptcy Rules and other applicable rules and orders of this Court, and shall be filed in accordance with General Order M-399 and the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York (available at www.nysb.uscourts.gov), with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein, and shall be served upon (a) Windels Marx Lane & Mittendorf,

LLP, special counsel for the Trustee, 156 West 56th Street, New York, New York 10019, Attn:
Howard L. Simon, Esq.; and (b) Securities Investor Protection Corporation, 805 15th Street,
N.W., Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, so as to be received no later than
February 18, 2015 at 5:00 p.m. Any objections must specifically state the interest that the
objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that notice of this Motion will be provided by U.S.
Mail or email to all defendants in this adversary proceeding in accordance with the Order
Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further
notice is required.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed
and served with respect to the Motion, the Motion shall be deemed uncontested and an order
granting the requested relief may be entered with no further notice or opportunity to be heard
offered to any party.

Dated: New York, New York
December 2, 2014

By: /s/ Howard L. Simon
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*Special Counsel for Irving H. Picard, Trustee for the
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